

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY LAMAR PRICE-IL,

Plaintiff,

v.

Case Number 08-14472-BC
Honorable Thomas L. Ludington

PHILLIP A. RAGAN, JR.,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND SUA SPONTE DISMISSING PLAINTIFF'S COMPLAINT**

On December 5, 2008, Magistrate Judge Charles E. Binder issued a report and recommendation that the Court sua sponte dismiss Plaintiff's complaint as for lack of subject matter jurisdiction. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 5] is **ADOPTED**. Plaintiff's complaint is **DISMISSED**.

It is further **ORDERED** that Defendant's motion to dismiss [Dkt. # 3] is **DENIED** as moot.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 22, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 22, 2008.

s/Tracy A. Jacobs _____
TRACY A. JACOBS